

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
DEMETRIUS WRIGHT,
LUIS VELEZ,Plaintiffs, on behalf of themselves
and all others similarly situated,

- against -

BRAE BURN COUNTRY CLUB, INC.,
STEVEN VANDO, individually and as General Manager
of Brae Burn Country Club,
MARIA CONTE, individually and as Controller of Brae
Burn Country Club,Defendants.
----- X

: 08 CV 3172 (DC)

: ECF CASE

: FILED UNDER SEAL

: **NOTICE OF MOTION FOR**
: **DEFENDANTS'**
: **MEMORANDUM OF LAW IN**
: **SUPPORT OF THEIR**
: **MOTION TO DISMISS OR, IN**
: **THE ALTERNATIVE FOR**
: **SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure, and upon the annexed Declaration of Peter M. Panken, Esq. and the Affidavit of Steven Vando, and all exhibits attached thereto, both in Support of Defendants' Memorandum of Law in Support of Their Motion to Dismiss, or in the Alternative for Summary Judgment, Defendants' Rule 56.1 Statement of Undisputed Facts, Defendants' Memorandum of Law in support of their motion submitted herewith, and upon all prior pleadings and proceedings in this action, Defendants Brae Burn Country Club, Inc., Steven Vando, and Maria Conte ("Defendants"), by their attorneys Epstein Becker & Green, P.C., will move this Court before the Honorable Denny Chin as soon as counsel may be heard for an Order (i) dismissing Plaintiffs' Second Amended Complaint, with prejudice, under Rule 12(b)(6) for failure to state a claim or, alternatively, that summary judgment be granted in Defendants' favor, (ii) award Defendants

their reasonable costs and attorneys' fees in connection with making this motion, (iii) and order such other and further relief as may be just and proper.

Dated: August 11, 2008
New York, New York

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Peter M. Panken

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